

REMARKS

Claims 1-28 are pending. The specification is amended to correct a typographical error. Claims 15 and 16 are rewritten into independent form.

Claims 1, 3, 5, 7, 9, 10, 13, 19, 21, 23, 25, 27 and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by **Zhong et al.** The Examiner argues that **Zhong et al.** teaches each and every feature set forth in the claims.

It is noted that **Zhong et al.** claims priority to Japanese applications No. 7-087593, No. 7-087594 and No. 7-087595. These applications respectively correspond to patent documents 6, 7 and 5, discussed on page 3 of the present specification. The specification states that roughness cannot be sufficiently reduced by any of the methods and structures of the disclosed prior art, and sufficient mobility of the carriers cannot be obtained.

Zhong et al. discloses that the inclination direction is set to [1 1 0] direction and that the inclination angle is set to 0.05%. However, there is no disclosure that the moving direction of carriers should be [0 0 1] direction. Fig. 1 of **Zhong et al.** does not indicate the moving direction of carriers, although the Examiner asserts that Fig. 1 is relevant to the rejection. It should be noted that **Zhong et al.**, however, explicitly states that it is preferable to set the moving direction of carriers to [-1 1 0] direction (see column 13, line 34 through column 14, line 50). Accordingly, **Zhong et al.** fails to anticipate the claimed invention.

Amendment
Serial No. 10/782,770
Attorney Docket No. 042138

Claims 2, 4, 6, 8, 11, 12, 14, 17, 18, 20, 22, 24 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Zhong et al.** in view of **Moritani et al.** In this rejection, the Examiner acknowledges that **Zhong et al** does not teach forming an epitaxial layer on the silicon substrate. **Moritani et al.** is applied for its disclosure of forming an epitaxial layer on the silicon substrate.

Moritani et al., however, fails to provide the teachings which **Zhong et al.** lacks, as noted above. Therefore, the combination of references fails to teach each and every features required by the claims.

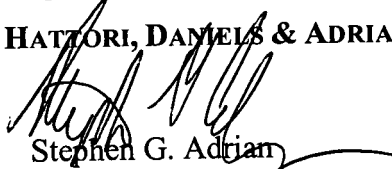
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicant would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

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If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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Attachment: Petition for Extension of Time